REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed April 21, 2005.

Currently, claims 1, 3-11 and 13-50 are pending.

I.   Objections to Drawings

The Examiner objected to the drawings because reference numerals 204, 460, 540 and 824 are not mentioned in the description. In response, Applicant has amended the description to add those reference numerals.

II.   Objections to Specification

The Examiner requested that the Applicant update the citations to the related applications. In response, Applicant has made the requested update.

III.   Rejections to Claims

A.   Claims 1, 3-11, 13-13, and 28 - 47

As described in Applicant's specification:

> One embodiment of the present invention includes a server that receives a request for particular content. The server accesses a mark-up language description of the particular content and compiles that mark-up language description to create executable code (e.g. object code, byte code, etc.). The compilation of the mark-up description by the server is performed in response to the received request. The executable code is then transmitted from the server to the client. In one embodiment, the server can be contained within an application server or web server, and the client includes a browser that communicates with the server via the Internet, or other network. [Specification, p.3].

"For example, Figure 2 shows an HTTP client 60 (e.g. browser) with plug-in 62 (e.g. Flash Player) in communication with Presentation Server 50 via Web Server 58." [Specification at p. 6]. In light of this feature, claim 1 has been amended to recite "compiling said mark-up language description of said

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particular content to create executable code <u>for a rendering entity different than and within a browser</u> ... and transmitting said executable code from said server to <u>said rendering entity</u>."

" These limitations are not disclosed by *Wu*.

Wu discloses "a method which uses a computer to automatically compile standard HTML, JAVA and other programs so that such programs can run both CPU and memory efficiently on a thin client platform such as a TV set top box, a VCD/DVD player, a hand held device, a network computer or an embedded computer." [*Wu*, col. 2, lines 56-59]. As quoted, *Wu* discloses that the program runs on a "thin client platform." This is different than claim 1, which recites "a rendering entity different than and within a browser." *Wu* makes no disclosure of the rendering entity/browser combination of claim 1. The rendering entity/browser combination of claim 1 is a full featured entity that is the opposite of the teaching of *Wu* to use a thin platform. Thus, *Wu* does not disclose "compiling said mark-up language description of said particular content to create executable code <u>for a rendering entity different than and within a browser</u> ... and transmitting said executable code from said server to <u>said rendering entity</u>," as recited in claim 1. Therefore, Applicant asserts that claim 1and all claims that depend from claim 1 are patentable over the cited prior art.

For the same reasons discussed above with respect to claim 1, Applicants assert that independent claims 28, 33, 37, 41, and 45, and their dependent claims, are also patentable over the cited prior art.

B.   <u>Claims 4, 21-27, 37-40, 46 and 48-50</u>

One example of the server mentioned in the above quotation from page 3 of Applicant's Specification is the Presentation Server described in Applicant's specification. That Presentation Server can be in communication with an external data source.   For example:

> Figure 1 shows Presentation Server 10 in communication with external data source(s) 12 and client Presentation Renderer 14. Communication between the various elements can be via network, dedicated connection, wireless connection, or any other connection that is suitable for appropriate communication. The external data sources can include databases, directories, web services, or any other storage device or structure that can hold data. [Specification, pp. 5-6.]

The server may access data from an external data source in response to a request or in response to the mark-up language description. [Specification, see e.g., p. 7, p. 27, step 106 of Fig. 3, step 236 of Fig. 5, and Fig.11].

In light of the above, claim 21 has been amended to recite "accessing said data at a data source external to and different than said server in response to said mark-up language description ... said content is based on said mark-up language description and said data." These limitation are not disclosed by *Wu*.

While *Wu* does disclose compiling HTML at a server, *Wu* does not provide a disclosure of accessing data on an entity different than the server performing the compilation, where the content provided to the client by the server performing the compilation includes the accessed data. Applicant's specification provides a detailed description of this process, while *WU* provides no such disclosure. Therefore, Applicant asserts that *Wu* does not disclose "accessing data at a data source that is different than said server, said particular content includes said data, said accessing data being performed by said server," as recited in claim 21. For these reasons, claim 21 is not anticipated by *Wu*.

Applicant further asserts that claim 21 is also not obvious in light of the cited prior art. For example, the Examiner cited *Davis* (U.S. Pat. 6,643,696) for teaching "that a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7)." [Office Action, p. 12]. However, *Davis* does not disclose that the accessing of the data at the data source is performed by the server where the compiling is performed. Thus, *Davis* does not disclose "accessing said data at a data source external to and different than said server in response to said mark-up language description ... said content is based on said mark-up language description and said data." as recited in claim 21. Therefore, even combining *Wu* and *Davis* does not disclose all of the limitations of claim 21. Furthermore, the Examiner has not provided any evidence that one or ordinary skill in the art would be motivated to combine *Wu* and *Davis*. The fact that both references are "in the field of endeavor of computer systems" is not motivation to combine as proposed by the Examiner.

For all of the reasons discussed above, Applicant asserts that claim 21, and all of the claims that depend from claim 21, are in condition for allowance.

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For reasons similar to those discussed above with respect to claim 21, Applicant asserts that independent claims 4, 37-40, 46 and 48-50, and claims that depend from those independent claims, are also patentable over the cited prior art.

C.   Claims 14-20 and 48-50

Claim 14 has been amended to recite that the "first code includes a mark-up language description and a scripting language description." This limitation is not disclosed by *Wu*. Applicant notes that *Wu* explicitly mentions "a first data set," HTML, JAVA and other programs [see Wu, col. 2, lines 44-59]. However, there is no disclosure of the use of a scripting language or compiling a scripting language, as recited by claim 14. Therefore, Applicant asserts that claim 14, and all claims that depend from claim 14, are patentable over the cited prior art.

Claims 48-50 are also patentable over the cited prior art for the same reasons as claim 14.

D.   Claims 5, 8, 9, 10, 17, 20, 24, 27, 32, 36, 40, 44, 47 and 50

Applicant also notes that claims 5, 9, 17, and 24 recite the conversion to action script. This limitation is not taught by *Wu*. In the Office Action, the Examiner cited column 17, lines 49-50 in *Wu* as disclosing the conversion to action script. However, *Wu* states at column 17, lines 49-50: "Next the classes are optimized at step 1530. After optimizing the classes, the byte codes are translated to a reduced bytecode (step 1540). Finally the reduced bytecode is supplied (step 1550) and the algorithm stops at step 1560." [Wu, col. 17, lines 48-52]. As can be seen, there is no disclosure of converting to action script. Thus, Applicant asserts that claims 5, 9, 17, and 24 are in condition for allowance.

Claims 8, 10, 20, 27, 32, 36, 40, 44, 47 and 50 recite the transforming or media content and adding the transformed media content to the executable code. These limitations are not taught by *Wu*. In the Office Action, the Examiner cited to column 2, lines 46-50 of *Wu*. However, the cited passage of *Wu* refers to data sets, and does not specially mention media content. Applicant asserts that this difference is significant. Applicant's specification provides an example of how media content is transformed (see, e.g., Fig. 8, as well as other portions of the specification), while *Wu* does

not. Because *Wu* does not describe or suggest how to transform media content and add that transformed media content to the executable code, Applicant asserts that the rejection should be withdrawn.

Some of the other dependent claims were rejected under 35 U.S.C. §103 as being obvious in light of various combination of prior art. However, those rejections all relied on *Wu* anticipating the independent claim. Because the independent claims are patentable, Applicant asserts that the dependent claims rejected under 35 U.S.C. §103 are also patentable.

IV.   Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1 and 3-50 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: *September 21, 2005*   By: *Burt Magen*

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